



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



475514

REPLY TO THE ATTENTION OF:

MEMORANDUM

Subject: Request for Approval of a Time-Critical Removal Action at the Whittier Cleaners Site, Grosse Point Park, Wayne County, Michigan (Site ID # C52D)

From: Jeffrey A. Lippert, On-Scene Coordinator
Emergency Response Branch 1
Emergency Response Section 2

Through: Jason H. El-Zein, Chief
Emergency Response Branch 1

To: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval to expend up to \$225,611 to conduct a time-critical removal action at the Whittier Cleaners Site (site) in Grosse Pointe Park, Wayne County, Michigan. The proposed time-critical removal action will mitigate the threats from uncontrolled hazardous substances existing there.

The Action Memorandum would serve as approval for expenditures by EPA, as the lead technical agency, to take the actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: MIN000505411
RCRA ID: 477152
State ID: 8200130
Category: Time-Critical

A. Site Description

1. Removal site evaluation

The site was referred to EPA Region 5 Emergency Response Branch by the Michigan Department of Environmental Quality on April 2, 2014.

On May 20, 2014, EPA conducted a site assessment of Whittier Cleaners. The site is a former dry cleaning facility. There are three 55-gallon drums, one aboveground storage tank (AST), and one underground storage tank (UST).

During the site assessment EPA collected four liquid samples from three drums and one UST, based on field screening equipment. EPA also collected four soil gas samples from the backyard of the residential property that shares a property boundary to the southeast with the site. The soil gas samples were not taken at the depth recommended by the U.S. EPA Vapor Intrusion Guidebook, and will be resampled.

Laboratory analysis detected tetrachloroethylene (PCE) and trichloroethylene (TCE) in the liquid samples collected from the drums and UST. Sample WC-DRUM-01 contained levels of PCE at 50 milligrams per liter (mg/L), this level is over 70 times higher than the regulatory level that is considered characteristically toxic (0.7 mg/L) as stated in 40 CFR §261.24. The contents of this drum are not only toxic, but also ignitable. Laboratory analysis of the same sample returned with a flash point of 120° Fahrenheit (F). The regulatory level that is considered ignitable is 140° F as stated in 40 CFR §261.21.

Laboratory analysis of sample WC-DRUM-02 confirmed that the contents of this container are also both ignitable and toxic as defined by 40 CFR §261.21 and §261.24. The level of TCE in this drum is 7.9 mg/L; fifteen times higher than the regulatory limit for toxicity of 0.5 mg/L. The laboratory analysis confirmed that the flashpoint of the contents of this drum is 120° F. This level is 20° F cooler than what is considered ignitable.

According to laboratory analysis of sample WC-DRUM-03, this drum also contains a liquid that is both toxic and ignitable. Results were 56 mg/L for TCE, 112 times higher than the regulatory limit of 0.5 mg/L for the characteristic of toxicity. The laboratory also determined that the flashpoint of this liquid was 120° F. The regulatory limit for ignitability, as defined by 40 CFR §261.21, is 140° F and below.

Lastly, laboratory analysis of the liquid sample WC-UST-01 detected a concentration of TCE of 5.5 mg/L. This level is 11 times higher than what is defined as toxic by 40 CFR §261.24. The laboratory analysis determined that the flashpoint of this liquid was 120° F, making the contents of the UST also ignitable, as defined by 40 CFR §261.21.

The waste on site is unsecured. The site is in a residential neighborhood and bordered on the south side by many residential homes. A fire at the site could result in explosions of the contents of the drums and UST due to their low flashpoint.

2. Physical location

The site is located at 15010 Charlevoix Street, Grosse Point Park, Wayne County, Michigan 48230. It is in a mixed residential/commercial neighborhood with commercial and residential properties on the north, east and west sides, and only residential homes to the south. Coordinates for the site are 42.38°50.33" degrees north and 82.94°42.96" degrees west.

An Environmental Justice (EJ) analysis for the Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Region 5 has reviewed environmental and demographic data for the area surrounding the site at 15010 Charlevoix Street, Grosse Pointe Park, Michigan, and determined there is a high potential for EJ concerns at this location.

3. Site Characteristics

The site consists of a one-story building totaling approximately 1,740 square feet and a concrete-paved parking area located east of the building. The site was previously utilized as a dry-cleaning business; it is no longer active.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

The presence of hazardous substances existing at the site has been documented by the confirmatory laboratory analysis during the site assessment. A total of four liquid samples were collected from site containers, of which all contained detections of PCE and TCE. Every container sampled contains characteristically hazardous waste as defined by 40 CFR §261.21 and §261.24. Both PCE and TCE are defined as hazardous substances by 40 CFR §302.4.

A threat of release of hazardous substances is present at the site due to the presence of unsecured containers of characteristically hazardous waste in a residential neighborhood.

The presence of these containers of hazardous substances poses a health threat to the community, especially in the event of a fire at the site. The waste in the containers is characteristically ignitable and could cause explosions in a residential area if the building were to catch fire. Trespassers entering the building could also come in contact with the hazardous substances, or dump out the contents of the drums causing a release to the environment.

5. NPL status

The site is not on the NPL, nor is it expected to be proposed for the NPL.

6. Maps, pictures and other graphic representations

A figure detailing the location of the site is included in the attached Site Location Map (Figure A-1). A figure detailing site features such as structure footprints, site boundaries, and residential property locations is presented in the attached Site Features Map (Figure A-2).

B. Other Actions to Date

1. Previous actions

There have been no previous response actions at the site.

2. Current actions

Not Applicable.

C. State and Local Authorities' Roles

1. State and local actions to date

Neither the state nor the local government have conducted any actions to date.

2. Potential for continued state/local response

Neither the state nor local governments have the funds to conduct a removal action. The Michigan Department of Environmental Quality requested assistance from EPA for a removal action.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Whittier Cleaners Site present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a time-critical removal action as provided for in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 CFR §300.415(b)(2). These criteria include, but are not limited to, the following:

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

The drums and containers are readily accessible, and several residential properties are located as close as five feet from the site. The presence of hazardous wastes could pose a threat to nearby residents and trespassers from the potential for off-site migration of contaminants and potential direct contact exposure.

None of the waste on site is properly containerized nor does it have secondary containment. A number of the containers documented at the site are deteriorated, corroded, or open. Potential releases of hazardous waste at the site could, in addition to directly affecting nearby populations, also migrate off-site. Due to on-site waste storage conditions, the hazardous waste could be released. Exposure through each of these migration pathways could be an imminent endangerment to human health, welfare, or the environment.

A residence is located directly adjacent to the site, approximately 5 feet south of the site building. The presence of the residence increases the likelihood of exposure to residents caused by a release of hazardous substances located at the site. During the site assessment, the building contained drums with no secondary containment, and a UST of unknown construction materials and condition. Samples collected during the site assessment contained characteristically hazardous wastes.

A release of PCE or TCE from the UST or other containers could infiltrate the ground and release vapors into nearby residential homes. Similarly, a previously undocumented release from the UST could also have resulted in vapor intrusion into residences. One home is less than fifteen feet from the UST and PCE and TCE vapor could be currently migrating into that home.

According to the Agency for Toxic Substances and Disease Registry (ATSDR), high levels of PCE can cause dizziness, headaches, sleepiness, confusion, nausea, difficulty speaking and walking, unconsciousness, and death. ATSDR also states that PCE may reasonably be anticipated to cause cancer.

Similarly, ATSDR states that TCE may reasonably be anticipated to cause cancer. High levels of exposure can also cause nervous system effects, lung and liver damage, abnormal heart beat, coma and possible death.

2. Actual or potential contamination of drinking water supplies or sensitive ecosystems.

The presence of drums with no secondary containment and a UST of unknown construction materials and condition in the site building could result in the release of hazardous wastes into nearby storm sewer catch basins or groundwater sources. Pollutants that enter bodies of water can be retained for long periods of time and can negatively impact sensitive ecosystems.

3. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release

Several drums and other containers have hazardous waste or potentially hazardous chemicals inside. The drums and tanks are in poor condition. Four liquid samples from the containers were identified as containing characteristically hazardous waste through laboratory analysis. Continued exposure to the weather elements and the activity of trespassers could cause containers on-site to breach and the contents of the containers to be released into the environment.

4. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

Southeastern Michigan summers and winters result in extreme temperatures and freeze-thaw cycles. These weather conditions could cause the subsequent breach of containment and the release of chemicals at the site. The building has been condemned by the City of Grosse Pointe Park. It is in a poor state of repair and severe weather will continue to aid in the deterioration of the building and the drums within. Precipitation entering the

building and severe temperatures could cause the containers to further deteriorate and create the potential for releases and/or migration of hazardous substances.

5. Threat of fire or explosion.

The threat of fire or explosion at the site is high based on the flammable nature of the wastes located at the site and the unoccupied state of the site building. During the site assessment, all four liquid samples exhibited the characteristic of ignitibility. The probability of an intentional fire being set at a vacant facility will increase over time. A fire at the site would release harmful smoke from burning PCE and TCE and could cause explosions of the containerized volatile waste. Smoke and explosions would be extremely hazardous to neighboring residents.

6. The availability of other appropriate federal or state response mechanisms to respond to the release.

MDEQ requested EPA's assistance on April 2, 2014 with the removal of drums of dry-cleaning solvent from the site. This request documents the need for EPA's involvement to address imminent endangerment posed by the site.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of the known and suspected hazardous substances on site, and the potential exposure pathways described in Sections II and III, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The time-critical response actions described in this memorandum will directly address actual or potential releases of hazardous substances at the site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on-site included or will include:

- a) Developing and implementing a site-specific Health and Safety Plan;
- b) Developing and implementing a Site Work Plan;
- c) Removal and proper disposal of drums and containers;
- d) Further investigation of contaminants in the soil gas;
- e) Mitigation of potential vapor intrusion issues, if necessary;

- f) Excavation and disposal of contaminated soil;
- g) Transporting and disposing of characterized or identified hazardous substances, pollutants, wastes, or contaminants that may pose a substantial threat of release at a RCRA/CERCLA-approved disposal facility in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440).

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all threats presented by the hazardous substances at the site, however, is expected to minimize the need for post-removal site control.

All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage and disposal shall be treated, stored, or disposed at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance

The proposed time-critical action will not impede future actions based on available information. The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. No further action is anticipated once the proposed removal action is completed.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

All identified applicable or relevant and appropriate requirements (ARARs) of specific Federal and state law will be complied with to the extent practicable considering the exigencies of the situation. The OSC sent a letter dated July 29, 2014, requesting ARARs to Ms. Kim Churchill, MDEQ, Warren Office. Ms. Churchill responded the same day with the ARARs below.

Federal

49 U.S.C. § 5101 et seq. regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles. It is applicable if hazardous materials are transported to or from a site. No other chemical-specific, performance, or location-specific requirements were found.

State

MDEQ ARARs for this site were identified as Sections 324.20114, 324.20114(c), 324.20120, 324.20120(a), 324.20120(c) 324.12103, R302 and R303 of Public Act. 451, as amended.

5. Project schedule

The proposed activities listed in Section V of this memorandum will require an estimated 20 on-site working days to complete.

6. Estimated costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Total Cleanup Contractor Allowance Costs (see Attachment 1)	\$ 142,865
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	\$ 45,144
Total START, including multiplier costs	
Subtotal Extramural Costs	\$ 188,009
Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	\$ 37,602
TOTAL REMOVAL ACTION PROJECT CEILING	\$ 225,611

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the site conditions, the nature of the hazardous substances and pollutants or contaminants documented on site, the potential exposure pathways to nearby populations described in Sections II, III, and IV above, and the actual or threatened release of hazardous substances and pollutants or contaminants from the site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

Not applicable.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.


$$(\$225,611 + \$25,000) + (56.41\% \times \$250,611) = \$392,000 \text{ (rounded)}$$

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$392,000¹.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Whittier Cleaners Site in Grosse Pointe Park, Wayne County, Michigan. This document has been developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the site, see Attachment 2. Conditions at the site meet the NCP § 300.415(b)(2) criteria for a time-critical removal action and I recommend your approval.

The total removal project ceiling, if approved, will be \$225,611. Of this, an estimated \$180,467 may be used for the cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: 
Director, Superfund Division

DATE: 8-29-14

DISAPPROVE: _____
Director, Superfund Division

DATE: _____

Figures:

- A-1; Site Location Map
- A-2; Site Features Map

Enforcement Addendum

Attachments:

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Independent Government Cost Estimate

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

cc: Sherry Fielding, U.S. EPA, 5104A
fielding.sherry@epa.gov
Valencia Darby, U.S. Department of the Interior, w/o Enf. Addendum
valencia_darby@ios.doi.gov
Dan Wyant, Director, MDEQ, w/o Enf. Addendum
525 W. Allegan St, Lansing, MI 48933
Bill Schuette, Michigan Attorney General, w/o Enf. Addendum
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Lansing, MI 48909
J. Walczak, MDEQ, w/o Enf. Addendum
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**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

FIGURE A-1

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**SITE LOCATION MAP
FOR
WHITTIER CLEANERS SITE
GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN**

JULY 2014

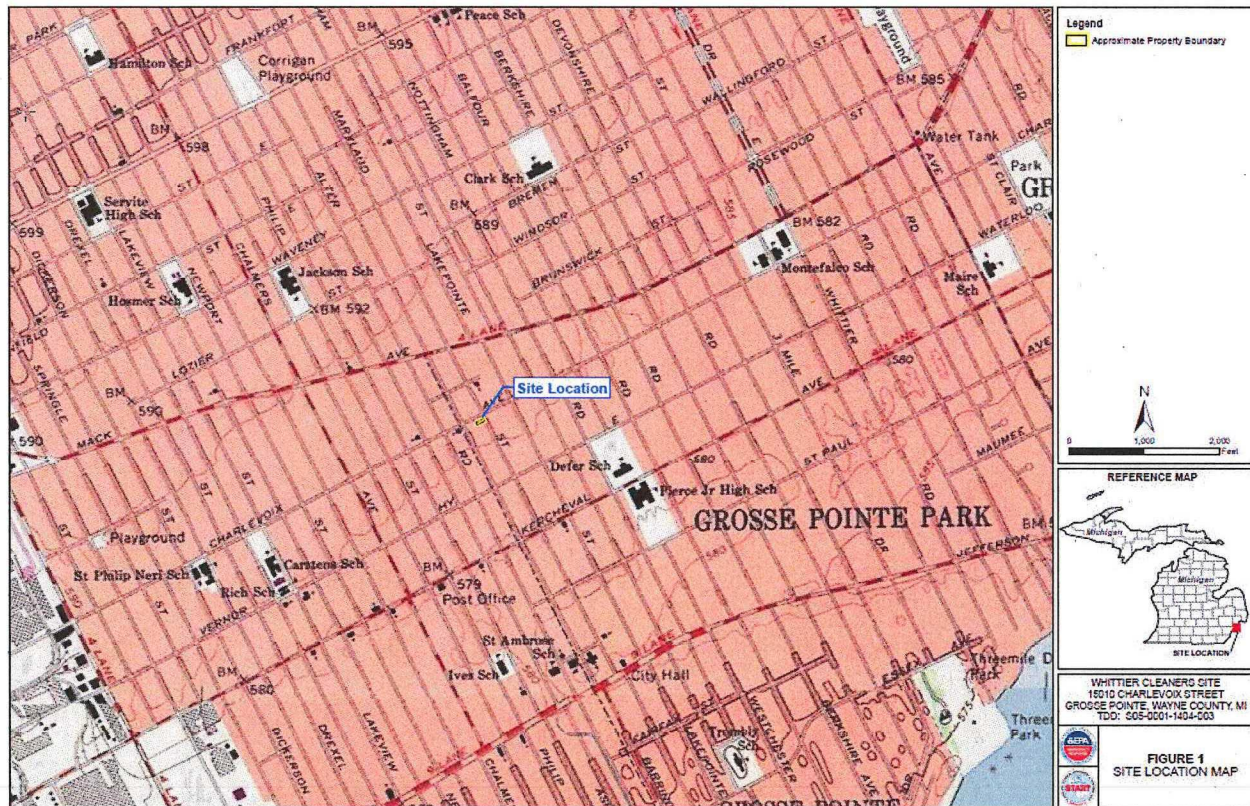
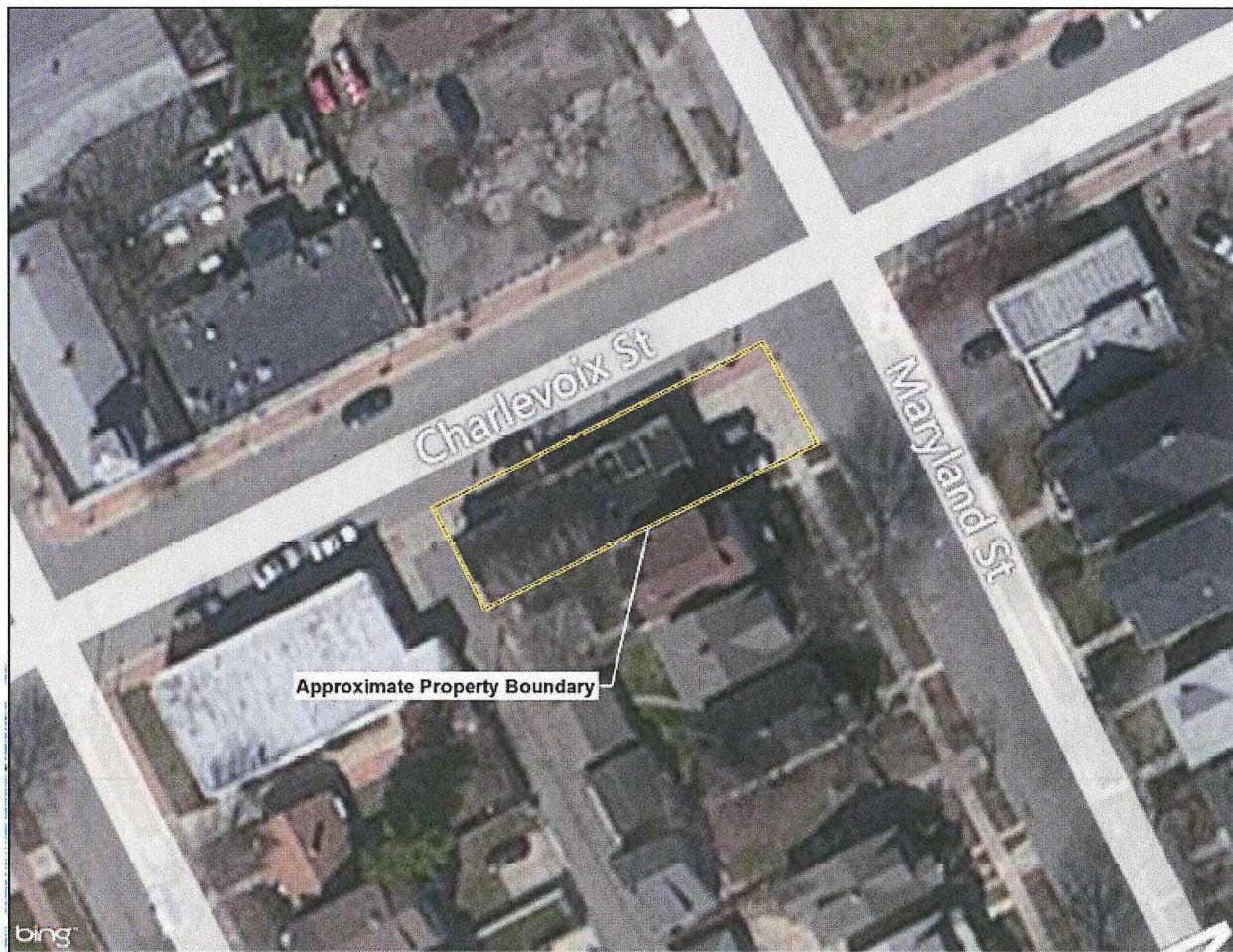


FIGURE A-2

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**SITE FEATURES MAP
FOR
WHITTIER CLEANERS SITE
GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN**

JULY 2014



ENFORCEMENT ADDENDUM

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ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ATTACHMENT 3

DETAILED CLEANUP CONTRACTOR ESTIMATE

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ATTACHMENT 2

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR
WHITTIER CLEANERS SITE
GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN**

JULY 2014

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	914194	09/01/97	ATSDR	Public	ToxFAQ Fact Sheet: Tetrachloroethylene, CAS # 127-18-4	2
2	914195	07/01/03	ATSDR	Public	ToxFAQ Fact Sheet: Trichloroethylene, CAS # 79-01-6	2
3	914898	04/02/14	DeGrazia, J., MDEQ	Lippert, J., U.S. EPA	Email re: MDEQ Request for Assistance	1
4	914196	07/07/14	Kane, S., Tetra Tech	Lippert, J., U.S. EPA	Draft Site Assessment Report	56
5	914197	07/29/14	Lippert, J., U.S. EPA	Churchill, K., MDEQ	Letter re: Request that MDEQ Identify all ARARs at the Whittier Cleaners Site	1
6	914198	07/29/14	Churchill, K., MDEQ	Lippert, J., U.S. EPA	Letter re: ARARs for the Whittier Cleaners Site	2
7	-	-	Lippert, J., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum Re: Request for a Time-Critical Removal Action at the Whittier Cleaners Site (<i>Portions of this document have been redacted.</i>)	

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

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NOT RELEVANT TO SELECTION

OF REMOVAL ACTION